



07 October 2013

HON. FELICIANO R. BELMONTE, JR.
Speaker, House of Representatives

HON. NEPTALI M. GONZALES II
Majority Leader, House of Representatives

Subject: Petition for Indirect Initiative to Enact the People's FOI Bill

Dear Speaker Belmonte and Rep. Gonzales,

We write on behalf of the *Right to Know. Right Now! Coalition* to follow-up on the action by the House of Representatives on the Petition for Indirect Initiative to Enact the People's Freedom of Information (FOI) Act. The Petition rendered in the form and substance indicated by Republic Act 6735 (The Initiative and Referendum Act) was filed with the House Secretary General by members of the *Right to Know. Right Now! Coalition* on 1 July 2013, the first working day of the 16th Congress. We are informed that the Petition was promptly referred by the Secretary General to the Committee on Rules for appropriate action, but it has remained pending at the said committee since.

RA 6735 under which the Petition was filed is unambiguous and unequivocal with respect to the required action by the House of Representatives on such a Petition. Section 11 of the said law states that "**(T)he procedure to be followed on the initiative bill shall be the same as the enactment of any legislative measure before the House of Representatives except that the said initiative bill shall have precedence over the pending legislative measures on the committee.**"

In terms of procedure for the enactment of bills under the House Rules, the next step after the filing of a bill is its First Reading, which involves the reading of the number, title and author of the bill, followed by the referral thereof by the Speaker to the appropriate committee. Such First Reading is done upon report by the Secretary General of the bill to the House for First Reading within (3) session days from receipt of the bill.

We note that Petitioners have also filed a counterpart Petition with the Senate. At the Senate, there was even an ambiguity in the language of RA 6735 on whether such a Petition

may be filed with the Senate, in contrast to the unambiguous provision with respect to the House of Representatives. Such ambiguity has been resolved by the Senate, as argued and prayed for in the Petition, in favor of giving it due course. The Petition/Initiative Bill was referred to the Senate Committee on Public Information, which then expressly recognized the Petition/Initiative Bill in the measures considered for the Committee Report/Consolidation. The Committee Report/Consolidated Bill have already been approved by the committee and sponsored in Senate plenary last September 24.

It is in light of these that we call for the First Reading and referral of the Petition/Initiative Bill on FOI when Congress resumes session on October 14, pursuant to the provisions of RA 6735 and the House Rules.

The struggle for Filipinos to have their FOI law has spanned more than a decade already. Twenty-six years after the 1987 Constitution reaffirmed in Section 7 of the Bill of Rights the right of the people to information, we are still fighting for the passage of a complementing legislation that will ensure its effective operation in practice.

The passage of the Peoples' FOI bill has been made all the more important in light of the discovery of the PDAF scam. The PDAF controversy exposed how numerous government mechanisms meant to protect public funds — such as oversight by Congress, the DBM and implementing agencies, regular COA audits, and the guidelines of the Procurement Act—have proven insufficient. The breakdown in these government safeguard mechanisms highlights the urgency and need to pass the People's FOI Act, to empower citizens to protect themselves against abuses of the hard-earned resources that they entrust to government.

Your leadership and concrete action will be vital in ensuring that this historic measure will finally see the light of day, to play an important institutional mechanism for an empowered citizenry, better governance, and more effective delivery of government services.

We are hoping for your favorable action on our request.

Very truly yours,



Atty. Lorenzo R. Tañada III

Individual endorser, Petition for Indirect Initiative for the Enactment of the People's Freedom of Information Act



Atty. Nepomuceno Malaluan

Co-Convenor, Right to Know. Right Now! Coalition

Cc: Secretary General, House of Representatives